

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54549 of 2022

Arising Out of PS. Case No.-155 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

Amar Yadav S/O Muso Yadav Resident Of Village- Shishwa, P.S.- Gogri,
District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per F.I.R is that while the informant along with Rajesh Kumar Raman (deceased) were standing at Gumti No. 3, the petitioner and four other accused persons came and opened fire indiscriminately upon Rajesh Kumar Raman, as a result of which, he died at the spot. The main cause of the



incidence is *Panchayat* election in which the wife of the deceased was elected as Mukhiya.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case due to village politics. It is further submitted that for the same incidence, Ishachak P.S. Case No. 156 of 2020 was lodged, but in the aforesaid F.I.R, the informant has not named the petitioner, rather he stated that deceased was killed by his enemies. It is also submitted that deceased had criminal antecedent and he might be killed by his enemies. Moreover, other similarly situated co-accused has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 28.07.2022 passed in Cr. Misc. No. 39643 of 2021. Though the petitioner is accused in eight other cases apart from the present one, but out of eight cases, the petitioner has been acquitted in seven cases and in one case, the petitioner is on bail.

In the facts and circumstance of the case, let



the petitioner, above named, in the event of his arrest or
surrender before the Court below within a period of four
weeks from today, be released on anticipatory bail on
furnishing bail bonds of Rs. 10,000/-(Ten Thousands)
with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate,
Bhagalpur in connection with Ishachak P.S. Case No.
155 of 2020, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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